COURT FEE 5 RS. भारत INDIA पाँच रुपये FIVE RUPEES

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CF / CA Single Bench

IN THE HIGH COURT OF JUDICATURE AT Bilaspur

C.A.

3

M.C.C. NO. 794 OF 2006

APPLICANT : The Oriental Insurance Company Ltd, through Branch Manager, Dayalband, Bilaspur (Chhattisgarh)

Versus

RESPONDENTS :

1 Bhagwandas, S/o Khemchand Bhojwani, aged about 57 years, R/o Bilha, Tah. Bilha, Distt Bilaspur (Chhattisgarh)

2. Manoj Kumar Agrawal, S/o Mahaveer Prasad Agrawal, owner Jeep No. MIL 7007, R/o Purana Sarkanda, Bilaspur (Chhattisgarh).

3. Bajrang, Son of not known (driver Jeep No. MIL 707), through Manoj Kumar Agrawal, S/o Mahaveer Prasad Agrawal, R/o Purana Sarkanda, Bilaspur (Chhattisgarh)

P.R. No. 3564/06 Presented by Shri S.K. Vaishnav dated 29/11/06

एस.के. वैष्णव बिलासपुर (छ.ग.)

APPLICATION FOR RESTORATION OF MISC. APPEAL NO. 757 OF 1995 TO ITS ORIGINAL NUMBER.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C. No. 794 ..... सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	06/12/2006 Shri V.R. Tiwari, counsel for the applicant. Heard on M.(C).P. No. 2099/2006 for condonation of delay of 1423 days in filing this M.C.C. The brief facts are that on 4.5.1995 in Claim Case No. 11/89 arising out of permanent disability suffered by the Claimant Bhagwan Das, learned Motor Accident Claims Tribunal (hereinafter referred to as 'MACT'), Bilaspur awarded compensation of Rs.46,225.30 against the Insurance Company/Applicant herein. Misc. Appeal was preferred on 21.7.1995 against the said award by the applicant/Insurance Company. Subsequently, on formation of High Court of Chhattisgarh upon re-organization of the State of M.P., this appeal was transferred to this High Court. As mentioned by the applicant in para 2 of the application, Vakalatnama was filed on behalf of the applicant/Insurance Company on 29.11.2001. A perusal of the order-sheet shows that the matter was pending for removal of default as the appellant did not pay process fee for issuance of notice by publication as ordered by the Court. The matter came up for hearing on default on 25.11.2002. Since no one appeared for the Insurance Company and also on account of the default having not been made good, the appeal was dismissed for non-prosecution. Aggrieved by the order dated 25.11.2002, Insurance Company/applicant filed the present application on 22.11.2006. Upon a perusal of the application M.(C).P. 2099/2006, sufficient cause is not shown for condonation of delay. It appears that applicant/Insurance Company was in complete slumber over a number of years and no satisfactory explanation is offered in preferring the M.C.C. after such a considerable delay.	

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

M.C.C. No. 794

मामला क्रमांक ..... **सन् 2006** 15

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश –2–	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In the aforesaid circumstances, M.(C).P.2099/2006 for condonation of delay is dismissed. M.C.C. No. 794/2006 for restoration of M.A. No. 757/1995 also stands dismissed. **Sd/-** **Dilip Raosaheb Deshmukh** **Judge**	

Kvr.